



CITY OF SUNNYVALE

CIVIL SERVICE
RULES AND REGULATIONS

ORIGINAL DATE OF APPROVAL, MAY 1960
INCLUDES AMENDMENTS AND REPEALS TO NOVEMBER 10, 1998

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SECTION 11.00 GENERAL

11.01 APPLICABILITY AND OBJECTIVES

The Civil Service Rules and Regulations are applicable to the Classified Service and shall be interpreted uniformly so as to:

- (a) Obtain and retain the best qualified personnel available for service in the Classified Service;
- (b) Assure that appointments and promotions shall be made according to merit and fitness, to be ascertained, so far as practicable, by competitive examination;
- (c) Assure, through formal appeal provisions, that disciplinary actions, or separations from the service are consistent with the best interest of the City.

11.02 PERSONNEL BOARD

The Personnel Board shall consist of five members selected as prescribed by the City Charter and shall appoint its own Chairperson at the first meeting of each fiscal year. Three members of the Board shall constitute a quorum, and the affirmative vote of three members shall be required to give effect to any action of the Board. The Personnel Board shall:

- (a) Fix the time and place of regular meetings and give reasonable public notice thereof. Special meetings may be convened at the call of the Chairperson or by any three members of the Board after reasonable public notice and notice to the remaining members of the Board; and

- (b) Act as a personnel advisory agency and as a personnel appeals hearing agency as prescribed by the City Charter and by these Rules and Regulations.

11.03 CLASSIFIED SERVICE

The Classified Service shall consist of all positions in the City service except the following:

- (a) All elective officers;
- (b) All members of Boards and Commissions;
- (c) The City Manager, City Attorney and any Assistant or Deputy City Attorney.
- (d) The head of each department;
- (e) Persons employed in part-time positions regarded as "casual" or "seasonal";
- (f) Persons employed to render professional, scientific, technical or expert service of an occasional and exceptional character;
- (g) Persons employed for a temporary or special purpose for a period of time fixed by resolution of the City Council and in accordance with the City Charter.

11.04 ADMINISTRATION

The City Manager shall be responsible for the administration of these Rules and Regulations and shall, subject to the provisions of the City Charter and the Rules and Regulations, appoint and remove all members of the Classified Service; except that he may authorize the head of a department or office to appoint and remove subordinates in such department or office.

SECTION 12.00 RECRUITMENT

12.01 GENERAL STANDARDS

Applicants for employment shall meet such standards of education, experience, knowledge, skills, and abilities as are required for acceptable performance of the essential duties of the position(s) to which appointments are to be made. No applicant shall either be discriminated against or be privileged on account of race, color, national origin or ancestry, religion, marital status, age, sex, sexual orientation, or disability.

12.02 WORKFORCE COMPOSITION

The City shall have the goal of reflecting the demographic composition of the total workforce of the community at all job levels and in all segments of the work force. The City shall provide equal opportunity for all people in all employment policies and practices. The City Manager shall prepare and administer a program for the purpose of meeting such goals.

12.03 REASONABLE ACCOMMODATION

With adequate notice, the City shall provide reasonable accommodation to City Employees with a disability (as defined by the Americans with Disabilities Act) in order to ensure access to the benefits and conditions of employment, City facilities, and City services.

12.04 MINIMUM STANDARDS

Applicants shall, prior to appointment, meet the minimum standards prescribed by applicable class specifications and shall:

- (a) Unless stated otherwise in the class specifications, or as mandated by the State Retirement System, have attained a minimum age of 18 years;
- (b) Pass a medical examination (if required for a specific job classification) administered by a licensed Medical practitioner, selected and paid by the City, to determine physical fitness for the position to which an appointment is to be made;
- (c) Subscribe to the Oath of Office as contained in the City Charter;
- (d) Be fingerprinted, if required for a specific job classification, to permit determination of a criminal record, if any;
- (e) Pass a full background investigation, if required for a specific job classification;
- (f) Pass an alcohol and drug test if required for a specific position or job classification as agreed upon in writing with the employee organization repre-

sentingsuchpositionorjobclassification.

- (g) Meet other requirements as prescribed by state or federal law.

12.05 INELIGIBLE APPLICANTS

The City Manager, or the designated representative of the City Manager, may refuse to employ any person under the direct supervision of a City official or City employee related within the second degree of lineal or collateral consanguinity to such person, or to employ any person to the same department wherein a direct working relationship with an employee related within the second degree of lineal or collateral consanguinity exists, and where the above appointments have the potential for creating a negative impact on the supervision, safety, security, or morale, or involve potential conflicts of interest.

An application shall not be accepted from nor shall an appointment be made of any member of the Sunnyvale City Council or any Sunnyvale appointive Board or Commission during the term of office to which the member has been elected or appointed, nor within two (2) years thereafter. Nor shall an application be accepted from, or an appointment be made of, any person related within the second degree of lineal or collateral consanguinity, to a member of the Sunnyvale City Council.

12.06 TYPES OF RECRUITMENT PROCESSES

There shall be three types of recruitment processes. Each type of recruitment shall be so noted on the job announcement:

- (a) Regular Recruitment. A regular recruitment is one which is conducted with a specified time during which applications will be accepted, *i.e.*, with

a specified "open" and "close" date. Following the close of such a process, an examination will be held of all qualified candidates who have applied between the "open" and the "close" date.

- (b) Continuous Recruitment. A continuous recruitment is one where applications will be accepted on a continuing or ongoing basis, with examinations held periodically to establish eligible lists.
- (c) Open-Until-Filled Recruitment. An open-until-filled recruitment has a specific date when applications will be accepted (*i.e.*, a specific "open" date), but has no specific applications cut-off date ("close" date). Examinations will be held when a sufficient number of qualified people have applied. This type of recruitment will "close" when a candidate is hired.

12.07 SOLICITATION OF APPLICANTS

Announcements of vacancies shall be posted on the bulletin board in the department(s) or office(s) concerned and advertised in abbreviated form in a manner appropriate to the type of examination to be administered (open, open promotional, closed promotional -- see paragraph 13.02). Announcements shall be posted at least ten (10) working days, including the first and last days, prior to the closing date for receiving applications.

SECTION 13.00 EXAMINATIONS

13.01 PREPARATION

The City Manager, or the City Manager's designated representative, shall direct the preparation of such tests of knowledge, skill, and ability as may be required for a valid and equitable determination of the fitness of applicants for the positions to which appointments are to be made. The City Manager, or the City Manager's designated representative, shall determine whether the examination shall consist of a written, or oral, or performance, or psychological, or investigative, or physical tests, or a combination thereof, and shall indicate the procedure in the announcement.

13.02 CLASSES OF EXAMINATIONS

Examinations shall be Open or Open Promotional or Closed Promotional:

- (a) Open Examinations shall be open to all qualified applicants.
- (b) Open Promotional Examinations shall be open to all qualified applicants but appointment preference shall be extended to any City employee with regular status whose final examination score is ten (10) percent above the minimum passing score established for the examination.
- (c) Closed Promotional Examinations shall be open only to current regular employees of the City.

13.03 DISQUALIFICATION OF APPLICANTS

Applicants may be disqualified during any step of the examination process for any one of the following reasons:

- (a) Use or attempted use of influence to gain advantage in the examination process;
- (b) Making a false or misleading statement of material fact in connection with any stage of the examination process;
- (c) Use of deception or fraud at any stage in the examination process
- (d) Possession of unauthorized materials, devices or anything of use or assistance in any stage of the examination process;
- (e) Copying the work of another applicant; or reviewing examination sheets prior to commencement of an examination;
- (f) Attempting to indicate identity of the examination papers in a manner other than the approved method.
- (g) Arrival at the place of examination after the starting time.
- (h) Conviction of a felony, if such felony is directly related to the ability of the employee to perform the duties of the position, or if conviction of such felony otherwise constitutes disqualification from the position under applicable law.

13.04 GRADING OF EXAMINATIONS

The City Manager, or the City Manager's designated representative, shall establish for each test the basis required for the applicant to qualify for appointment. The basis of the final score shall be included on the job announcement.

13.05 VETERAN'S CREDITS

Veteran's credits will only be assigned on tests for positions which represent the entry-level classification of a job family. To qualify for veteran's credits, an applicant must submit at the time of application a copy of an appropriate Department of Defense document (*i.e.*, a DD-214) indicating veteran status at the time of application. Veterans who attain a passing mark on the examination score used to determine placement on the eligible list shall be allowed a credit of three (3) points on that score. Disabled veterans shall be allowed an additional credit of two (2) points.

The term "Veteran" shall mean an applicant who has served on active duty in the armed forces of the United States of America for a minimum period of one year and who has been honorably discharged or released from active service.

The term "Disabled Veteran" shall mean a veteran who has incurred a service connected injury or wound which is rated by the Veteran's Administration at 30 percent or greater disability and who at the same time of filing an application for a position in the Classified Service is receiving disability compensation from the Federal Government.

SECTION 14.00 ELIGIBLE LIST

14.01 CONTENT

An eligible list shall be prepared upon completion of all steps of the examination process. The list shall contain the names of all applicants who have passed all steps in the examination process and have qualified for appointment to a given classification or sub-class in the Classified Service. The names of the applicants shall be ranked in the order of qualification for the classification. Priority listings may be established within a classification or sub-class on the basis of availability (shifts), assignments, or equal opportunity guidelines.

14.02 DURATION

- (a) Non-Management Positions (except for the position of Public Safety Lieutenant) and Sworn Management Positions: Each eligible list shall be maintained for a minimum of ninety (90) calendar days from the date on which the list was originally established. Each list which still contains three (3) or more applicants after the expiration of the minimum period of ninety (90) calendar days shall be maintained until either of the following occurs, whereupon the list will expire.

- (1) The list is reduced to two (2) applicants by reason of appointment or removal of applicants for any reason after which time the list may be expired at any time within an additional period of 90 calendar days; or

- (2) An additional period of two hundred and seventy-five (275) calendar days has run.

- (b) **Non-Sworn Management Positions:** Eligible lists containing three (3) or more names will be maintained for a minimum period of 90 days, but may be extended for an additional period of up to 640 days at the discretion of the Director of Human Resources. The Director of Human Resources may also immediately expire any list which is reduced to two (2) or fewer names.
- (c) **Public Safety Lieutenant Positions:** Each eligible list shall be maintained for a minimum period of three (3) calendar months from the date on which the list was originally established. Each list which still contains three (3) or more applicants after the expiration of the minimum period of three (3) calendar months shall be maintained until an additional fifteen (15) calendar months has elapsed.

14.03 REMOVAL

An applicant may be removed from a given eligible list for any of the following reasons:

- (a) Refusal to accept appointment to a position;
- (b) Appointment to the classification for which the eligible list was originally established;
- (c) Request of the applicant for removal from the list;
- (d) Failure to contact the Appointing Authority within seven (7) calendar days from the date of notice of an interview or offer of appointment; or
- (e) Failure to continue to meet any of the minimum standards established for the

position for which the eligible list was prepared.

- (f) Determination by the Director of Human Resources, or the Director's designated representative, that the applicant has violated one or more of the provisions of paragraph 13.03.

14.04 CERTIFICATION

Offers of employment may be made only to applicants who have been certified by the Director of Human Resources to be eligible for hire. The names of people so certified will be drawn from an eligible list specifically established pursuant to a recruitment conducted for that classification or sub-classification.

- (a) **Regular Part-Time Positions, Regular Full-Time Entry Level Positions, and Non-Sworn Management Positions:** The list of certified applicants for regular part-time positions, Regular Full-Time entry level positions, and Non-Sworn Management Positions shall contain the names of all applicants whose names appear on the eligible list. This list shall be arranged in the same order as the eligible list. For the purposes of this paragraph, "entry level" is defined as a job classification where the minimum qualifications specify a combination of education and experience equivalent to no more than a high school education and six (6) months or less of relevant paid full-time experience.
- (b) **All Other Regular Full-Time Positions:** The list of certified applicants for regular full-time non-management positions shall contain:

- (1) The names of the applicants on the eligible list having the highest three (3) scores resulting from the final examination process consistent with the priority listings stated in paragraph 14.01,
- (2) The names of any City employees who can be legitimately included as the result of an existing Memorandum of Understanding entered into between the City and an employee association and who is not subject to disqualification pursuant to Section 13.03.
- (3) The names of any City employees currently appointed to another position within the same classification requesting a transfer from one City department to another who is not subject to disqualification pursuant to Section 13.03.

or the designated representative of the City Manager shall make provisional appointments of only those applicants who have demonstrated ability to perform the work except that in the case of sworn public safety classifications, provisional appointments shall be made from only those applicants who are eligible to take the examination for the position. The appointee shall be subject to the following conditions and limitations:

- (a) The appointee may serve for a period not to exceed six (6) months or until an eligible list is established for the position, whichever event occurs first. The provisional period may be extended for a period not to exceed an additional six (6) months if circumstances so require.
- (b) The appointee may be dismissed, separated, or removed from the provisional appointment at any time for failure to meet work performance standards. Such dismissal, separation, or removal must be approved by the City Manager and when so approved shall be final and no appeal may be taken therefrom.
- (c) Work time accumulated under a provisional appointment shall not be counted towards fulfillment of the probationary period required of applicants serving under a probationary appointment.

SECTION 15.00 APPOINTMENTS

15.01 CLASSES OF APPOINTMENTS

The classes of appointments to positions in the Classified Service shall be Provisional, Probationary, and Regular. Appointees to each class shall be subject to the conditions and limitations set forth herein.

15.02 PROVISIONAL APPOINTMENTS

Provisional appointments are for the purpose of retaining qualified applicants until an examination can be given and an eligible list established, or filling a long term vacancy subject to approval of the appointee. The City Manager,

15.03 PROBATIONARY APPOINTMENTS

Probationary appointments are for the purpose of providing a work performance evaluation period (also known as a "probationary period") prior to filling positions on a Regular Appointment basis. The appointing authority shall make each probationary appointment

from the certification list (see paragraph 14.04). The appointee shall be subject to the following conditions and limitations:

- (a) The probationary period shall be thirty-nine (39) pay periods for Public Safety Officers, twenty-six (26) pay periods for employees classified as Category A or D/E employees by the Salary Resolution, thirteen (13) pay periods for all other regular full-time Classified employees, and 1040 hours for regular part-time Classified employees.
- (b) Regular full-time non-management employees may have their probationary period extended up to thirteen (13) additional pay periods, and regular part-time employees up to an additional 1040 hours, upon recommendation of the hiring department if the achievement audit indicates that performance needs improvement. Regular full-time management employees may have their probationary period extended up to twenty-six (26) pay periods.
- (c) Employees may be dismissed or separated during the probationary period at any time for failure to meet work performance standards. Such dismissal or separation must be approved by the City Manager and when so approved shall be final and no appeal may be taken therefrom.
- (d) Regular full-time employees holding probationary appointments shall be entitled, according to their pay periods of service, to all of the supplementary pay and benefits applicable to employees holding regular full-time appoint-

ments with the same pay periods of service.

- (e) Regular part-time employees holding probationary appointments shall be entitled, according to their hours of service, to all of the supplementary pay and benefits applicable to employees holding regular part-time appointments with the same hours of service.

15.04 REGULAR APPOINTMENTS

Regular appointments may be full-time or part-time and are for the purpose of providing a regular complement of employees in the Classified Service to discharge the duties and responsibilities assigned to the work force of the City. Regular appointments shall be made by the appointing authority from employees successfully completing the probationary period required of employees holding probationary appointments.

15.05 TRANSFER

The City Manager may transfer any employee to another position having the same class specifications or to another position in a different class providing the education, experience, knowledge, skill and ability, and salary of the class are substantially equal to the position from which the employee is being transferred.

SECTION 16.00 PERFORMANCE

16.01 PERFORMANCE STANDARDS

Performance standards shall be established for each department or office and shall specify standards of conduct, appearance, and work performance. These standards shall be expressed in precise and readily understood terms for the guidance of employees and for

application by supervisory personnel in evaluating employee performance.

16.02 EVALUATION REQUIRED

- (a) For regular full-time employees, a work performance evaluation shall be completed at least once each three (3) months for employees holding a probationary appointment and at least once each year following successful completion of the probationary period. However, evaluations for public safety officer shall be made to coincide with the end of a training element or change of division.
- (b) For regular part-time employees, a work performance evaluation shall be completed upon completion of the probationary period, and then annually on the employee's anniversary date until the top step of the classification is reached. After that, work performance evaluations are to be conducted annually during a specified month.
- (c) Additional work performance evaluations may be completed more frequently when the performance of the employee has been rated at or below the "Improvement Needed" level on the most recent evaluation. This does not preclude the taking of disciplinary action in interim periods between evaluations.

16.03 PERFORMANCE RATING

The evaluation of work performance shall be directed to recording significant facts about the quality and quantity of work performed, conduct and work habits on work assignments and other pertinent factors which demonstrate the value of the employees' work performance.

Such facts shall be reported by supervisory personnel, and determined by investigation. A uniform system of appraisal shall be used. Each rating shall be discussed with the employee being rated to the end that the employee understands the rating and the areas in which performance is competent or must be improved.

16.04 USE OF PERFORMANCE RATINGS

Performance ratings are a continuing record of employee performance and progress and shall be used as follows:

- (a) Salary adjustments between the steps established as the scale for a given class shall not be approved unless the employee's work performance is competent.
- (b) Salary adjustments for management employees designated in the City's then-current salary resolution shall be made in accordance with provisions therefor set forth in said resolution.
- (c) The order of lay-off of employees for a lack of work or funds, or in the interest of economy, shall be determined in accordance with Section 17.02.
- (d) A Leave of Absence Without Pay shall not be granted unless the overall rating is competent or better.
- (e) An overall rating of competent on the most-recent work performance evaluation is required in order for an employee to be eligible to participate in a promotional examination.

- (f) Performance ratings shall be considered in disciplinary actions or dismissals.

SECTION 17.00 SEPARATION

17.01 RESIGNATION

An employee desiring to leave the City's service may do so by filing a statement of resignation in writing with the appropriate department head or the City Manager at least two (2) weeks prior to the effective date thereof. Failure to do so may be considered as grounds for disqualifying the employee for future employment.

17.02 REDUCTION OF FORCE

When it is necessary to reduce the staff for lack of work or funds or in the interest of economy, the City Manager shall determine the classes in which the reduction is to be made and the number of positions to be eliminated. The lay-off of employees shall occur within the classes determined in accordance with the following procedure:

- (a) All employees holding provisional appointments shall be laid off first, except that those employees holding provisional appointments who have previously attained regular status in another classification shall be treated as regular employees in the most recent classification in which they have previously achieved regular status;
- (b) Employees holding probationary appointments shall be laid off next; except that employees holding probationary appointments who have previously attained regular status in another classification shall be treated as regular employees in the most recent classification in which they have previously attained regular status.
- (c) Employees holding regular appointments who have an overall performance rating of less than competent in the last complete performance evaluation shall be laid off next.
- (d) All regular employees having a performance rating of at least competent shall be laid off last in order of seniority of service.
- (e) The names of regular or probationary employees laid off according to this

procedure shall constitute a re-employment list in the inverse order of layoff.

17.03 RETIREMENT

Each employee shall be entitled to retirement in good standing upon becoming eligible therefor under the provisions of the retirement plan in force.

SECTION 18.00 REINSTATEMENT

18.01 REINSTATEMENT AFTER RESIGNATION

An applicant may be reinstated by the City Manager to the position formerly occupied, or to one of similar duties and responsibilities, without examination subject to these conditions:

- (a) A position is available;
- (b) The applicant held a regular appointment at the time of separation and resigned in good standing;
- (c) The applicant had obtained an overall rating of at least "competent" on the applicant's last achievement audit with the City.
- (d) The applicant has applied for reinstatement within one (1) year from the effective date of resignation;
- (e) The applicant has not incurred any disability or condition prior to reinstatement which would prevent the applicant from performing the essential duties of the position in an acceptable manner;

- (f) The applicant meets all the minimum standards required for the position as detailed in the class specification.
- (g) The reinstatement is approved by the City Manager.

18.02 REINSTATEMENT FROM A REDUCTION IN FORCE LIST

Applicants whose names appear on a re-employment list prepared in accordance with these rules as a result of a reduction in force shall be reinstated in the order in which their names appear on the list subject to these conditions:

- (a) A position is available in the class from which the applicant was separated as an employee;
- b) The applicant accepts reinstatement within seven (7) calendar days from the date of notification; or notifies the Department of Human Resources within this time period of the desire to remain on the list but not to accept the current opening. Only one such refusal is allowed.
- (c) The applicant has not during the period of lay-off incurred any disability or condition which would prevent the applicant from performing the essential duties of the position in an acceptable manner.
- (d) The re-employment list shall be retained for a maximum of five (5) years from the date of establishment.

18.03 REINSTATEMENT FROM MILITARY LEAVE

Any employee holding a regular appointment who is separated from active duty with the

Armed Forces shall be entitled to reinstatement to the position classification formerly occupied or one of similar responsibilities and duties in accordance with State and Federal laws subject to these conditions:

- (a) Within ninety (90) days following termination from active service in the Armed Forces the employee shall request reinstatement; and
- (b) The employee shall be capable of performing the essential duties of the position previously occupied.

18.04 PRIORITY OF APPOINTMENT

Applicants whose names appear on a re-employment list shall be given priority over all other applicants for appointments to positions for which the applicants have qualified by reason of previous appointment or status.

SECTION 19.00 APPEALS

19.01 GRIEVANCE APPEALS PROCEDURE

Any employee having a grievance arising from employment in the Classified Service, other than that which is subject to the Disciplinary Appeal Procedure, shall seek a resolution to the grievance initially with the immediate supervisor. Should the immediate supervisor be unable or unwilling to arrive at a satisfactory resolution, or be a part of the grievance, the employee may seek resolution with the department head. Should the department head be unable or unwilling to make a satisfactory resolution, or be a party to the grievance, the employee may then seek resolution from the City Manager. The employee may request the service of the State Mediation and Conciliation Service to advise the City Manager on this

matter. The decision of the City Manager shall be final and conclusive.

The foregoing procedure shall not apply to any employee covered by an alternate formal grievance procedure established pursuant to a Memorandum of Understanding entered into between the City and an employee bargaining unit.

19.02 DISCIPLINARY APPEAL PROCEDURE

Any employee in the Classified Service holding a regular appointment who, for disciplinary reasons, is suspended without pay, demoted, dismissed, or subjected to reduction in salary shall be entitled to be heard before the Personnel Board at a duly constituted meeting thereof provided a written request therefor has been filed with the Secretary of the Board within fourteen (14) calendar days from the effective date of the action from which the employee seeks exception. A properly filed written request for a hearing before the Personnel Board shall be processed as follows:

- (a) Within twenty-one (21) calendar days after the proper filing of written request for a hearing, the Personnel Board shall conduct a hearing provided, however, that if a hearing is commenced but not concluded, the Personnel Board may continue the hearing. A hearing may be commenced more than 21 working days after submission of the request if the employee and the City so stipulate.
- (b) The hearing before the Personnel Board may be public or private at the option of the employee, and the employee may be represented by legal or other counsel; however, the hearing shall be informal and the rules of evi-

dence prescribed for duly constituted courts shall not apply;

- (c) The Personnel Board shall, within fourteen (14) calendar days of the aforementioned hearing, render its decision in writing and the Secretary shall direct copies thereof to the City Manager and the employee requesting the hearing.
- (d) The decision of the Personnel Board may sustain, revoke, or modify the suspension, demotion, dismissal, or reduction in salary and shall be final and conclusive in all respects and shall not be subject to appeal; and
- (e) In the event the Personnel Board revokes or modifies a suspension, demotion, dismissal, or reduction in salary and orders the employee reinstated to the former position, it shall direct the payment of salary to the employee for the period of time the Personnel Board finds the suspension, demotion, salary reduction or dismissal was improperly in effect.

The foregoing procedure shall not apply to any reduction of salary of a management employee under the management compensation plan, nor shall it apply to any employee covered by an alternate disciplinary appeal procedure established pursuant to a memorandum of understanding entered into between the City and an employee bargaining unit.

SECTION 20.00 STANDARD OF CONDUCT

20.01 STANDARD OF CONDUCT

An appointment to the Civil Service carries with it certain rights and responsibilities under the law. It is therefore incumbent upon members of the Classified Service to serve the public well and respect the rights of all to liberty, equality and justice under the Constitution. To this end, members of the Classified Service are to conduct themselves in a manner that will exemplify such characteristics as honesty, integrity, constraint, impartiality and devotion to the public weal. In addition, no public office is to be used for personal gain or the special benefit of any citizen or citizen groups. The public has the right to expect a level of service and conduct that will promote and preserve confidence in and respect for the City Government.

20.02 EMPLOYEE RESPONSIBILITIES

- (a) The public shall be served with courtesy, impartiality, fairness and equality under the law at all times.
- (b) The public interest shall take precedence over all other considerations regardless of conditions or circumstances.
- (c) Employees shall perform the duties to which they are assigned to the best of their ability at all times.
- (d) No person shall be granted or be permitted any consideration, treatment, advantage or favor beyond that which is general practice to grant or make available to the public at large.
- (e) Publicly owned or supported property, equipment, vehicles, labor or services shall be used for public purposes only. Public use shall mean that use which under general practice is available to the public at large, or which under

stated policy is authorized in the conduct of official business, or other uses as defined by action of the City Council.

- (f) City duty time shall be used for public purposes only.

20.03 CONFLICT OF INTEREST

- (a) Conflict of Interest Codes. Each department of the City shall maintain a copy of the Conflict of Interest Code adopted by the City Council. Each employee shall comply with such code. The City Clerk will notify employees affected by the Conflict of Interest Code of their responsibilities thereunder.
- (b) Influencing Decisions. Employees shall not participate in or attempt to use their official positions to influence a governmental decision in which they have a financial interest.
- (c) Public Contracts. Employees shall not be financially interested in any contract made by them in their official capacity or by any body or board of which they are members. Nor shall employees be purchasers at sale, or vendors at any purchase, made by them in their official capacity.

20.04 INCOMPATIBLE EMPLOYMENT

In accordance with State law, members of the Civil Service shall not engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to their duties as employees. Employees shall not perform any work, service or counsel for compensation outside of their City employment where any part of their

efforts will be subject to approval by any other officer, employee, board or commission of the City.

20.05 GIFTS, FAVORS, AND REMUNERATIONS

No member of the Civil Service shall accept any gift, whether in the form of money, thing, favor, loan or promise that would not be offered or given if the member were not in the Civil Service other than what is provided by the City Charter, Administrative Policy and ordinances and resolutions of the City.

20.06 CONFIDENTIAL INFORMATION

Confidential information concerning any member of the Civil Service or any other person, firm, association, group, partnership or corporation, or any property or affairs of the City shall not be disclosed without authorization of the public body having jurisdiction over such information nor contrary to applicable state or federal law. Such confidential information regardless of disclosure shall not be used to advance the financial or personal interest of the members of the Civil Service.

20.07 POLITICAL ACTIVITIES

The City may adopt rules regarding political activities which are in conformance with State and Federal.

SECTION 21.00 MISCELLANEOUS

21.01 ANNIVERSARY DATE

The anniversary date of each employee shall be the date the employee successfully completes the required probationary period, or six (6) months from the original hire date, in the case of employees assigned to the Department of Public Safety, and management employees, except as hereinafter provided:

- (a) Transfer. The anniversary date of an employee transferred to a position of similar duties, responsibilities and pay range shall not be altered.
- (b) Promotion. The anniversary date of an employee promoted to a position which involves either an increase in responsibilities or a change in duties and an increase in pay range shall be altered to coincide with the effective date of such promotion.
- (c) Demotion. The anniversary date of an employee demoted to a position which involves either a reduction in responsibilities or a change in duties with a reduction in pay shall be altered to coincide with the effective date of such demotion.
- (d) Leave of Absence. The anniversary date of an employee whose service is interrupted by a leave of absence with-

out pay, for whatever reason, for more than thirty (30) calendar days shall be adjusted by the total number of such days provided, however, that the adjustment of the anniversary date of an employee subject to military leave shall be consistent with the provisions of the Military and Veterans Code of the State of California.

21.02 CLASSIFICATION

The City Manager, with the advice of the Personnel Board, shall prepare and submit to the City Council a plan of classification and grading of all positions in the Classified Service according to similarity of authority, responsibility and duties and shall take effect when adopted by the City Council. Positions shall be assigned to a single class when: (1) a similar level of authority, responsibility and duties is required; (2) a similar level of education, experience, knowledge and ability is required; and (3) the same descriptive title can be equitably applied to such positions.

Additions to or changes in the classification plan may be adopted from time to time in the same manner prescribed for the preparation and adoption of the original classification plan; provided, however, that the sum of the duties, responsibilities and authority assigned to a new class shall constitute a regular full-time or regular part-time assignment in the City service as opposed to a casual/seasonal part-time assignment.

Specifications shall be prepared for each class and shall include:

- (a) The class title;
- (b) A brief description of the class;

- (c) A summary of essential functions performed by the class; and
- (d) A statement of the education, experience, knowledge, skills, abilities, and other requirements or desirable qualifications of the class.

The classification plan may divide classes of employment into two or more sub-classes by work assignment, except for classes consisting of employees in Pay Plan Category A or C. When sub-classes are established for a class, examinations may be given to determine fitness for appointment to a particular sub-class and eligible lists may be established for each sub-class. The City Manager shall retain the authority to transfer employees between positions or assignments within a class, regardless of whether the position or assignment to which the employee is transferred is within the sub-class as to or within which the employee was initially examined or appointed. No employee in any class as to which sub-classes are established shall have a vested right to be appointed to a specific position, assignment, or sub-class.

21.03 CLASS SPECIFICATIONS

A book containing class specifications and these rules and regulations shall be maintained in the Human Resources Department and shall be available for examination at any reasonable time.

21.04 DISCIPLINARY ACTIONS

Any employee shall be subject to suspension without pay for a period not to exceed thirty (30) days, or to demotion, or to decrease in pay step assignment, or to dismissal from the classified service, by the City Manager for misconduct, incompetency, inefficiency,

unauthorized absence, failure to complete work assignments or failure to observe departmental rules and regulations. For management personnel only, the number of days spent on suspension-without-pay will be charged against the employee's accrued leave balance.

Written notice of the suspension, demotion, or pay step reduction and the specific reasons therefor shall be furnished to the employee within three (3) days after such suspension, demotion, or pay step reduction.

Employees may appeal the suspension, demotion, pay step reduction, or dismissal to the Personnel Board as provided herein under the title of Disciplinary Appeals, except that management personnel may not appeal a reduction in pay which has occurred in connection with their pay-for-performance plan.

21.05 OTHER EMPLOYMENT

Employees in the Classified Service may engage in other employment provided such employment does not conflict or interfere with prescribed duties and does not violate the provisions of Paragraph 20.04.

21.06 PERSONNEL RECORDS

A file shall be maintained for each employee and shall contain a copy of every personnel transaction affecting the status of said employee. Personnel files of individual employees are to be considered confidential information and are to be used or exhibited only for administrative purposes or in connection with official proceedings before the Personnel Board or City Council. However, any employee may examine his/her own file at any reasonable time.

21.07 TRAINING

To the extent possible and practicable, in-service training and work performance opportunities shall be provided to improve daily performance and prepare employees for promotional opportunities. Approved extension or home study courses shall be considered as qualifying education for the purpose of determining eligibility for promotional examinations.

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